#### BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of

ALISON K. COOPER, M.D.

Holder of License No. 24314
For the Practice of Allopathic Medicine
In the State of Arizona

Case No. MD-08-0927A

CONSENT AGREEMENT FOR LETTER OF REPRIMAND

## **CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Alison K. Cooper, M.D. ("Respondent"), the parties agree to the following disposition of this matter.

- 1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that she has the right to consult with legal counsel regarding this matter.
- 2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.
- 3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.
- 4. The Board may adopt this Consent Agreement or any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.
- 5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding. The acceptance of this Consent Agreement does not preclude any other agency, subdivision or officer of this State from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

- 6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.
- 7. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of the Consent Agreement. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.
- 8. If the Board does not adopt this Consent Agreement, Respondent will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.
- 9. This Consent Agreement, once approved and signed, is a public record that will be publicly disseminated as a formal action of the Board and will be reported to the National Practitioner Data Bank and to the Arizona Medical Board's website.
- 10. If any part of the Consent Agreement is later declared void or otherwise unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force and effect.

11. Any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter") and 32-1451.

ALISON K. COOPER, M.D.

DATED: 4/28/09

# **FINDINGS OF FACT**

- The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.
- 2. Respondent is the holder of license number 24314 for the practice of allopathic medicine in the State of Arizona.
- The Board initiated case number MD-08-0927A after receiving notification of a malpractice settlement involving Respondent's care and treatment of a thirty-nine yearold female patient ("KG").
- 4. On July 24, 2006, Respondent was seen by Respondent's nurse practitioner for menorrhagia and dysmenorrhea. The nurse practitioner performed an endometrial biopsy. On September 1, 2006, KG met with Respondent, and KG authorized Respondent to perform an endometrial ablation. On October 13, 2006, KG returned to the office for the endometrial ablation. In preparation for the procedure, a paracervical block was performed using 25 cc of 0.5% Marcaine over four minutes. Respondent carried out a pelvic examination, and upon completion, KG began having seizures described as occurring every minute and lasting approximately thirty seconds.
- 5. There was no indication that Respondent had resuscitative capabilities and equipment available in her office. Respondent's staff contacted 911 and a tongue blade was placed to maintain an airway. Respondent administered Alprazolam sublingually without noted success. A second called was placed to 911 and Respondent carried out three rescue breaths when KG stopped breathing. The paramedics arrived and noted KG to be pulseless and apneic. The paramedics carried out resuscitative measures and transported KG to the hospital. KG arrived at the hospital and was diagnosed with grand mal seizures, cardiac arrest, respiratory failure and anoxic encephalopathy. KG was

transferred to another hospital where she was noted to be brain dead and subsequently died with a diagnosis of anoxic encephalopathy.

- 6. In response to the Board's investigation, Respondent stated that she has now established protocol and maintains proper resuscitative equipment in her office.
- 7. The standard of care for a physician performing in-office procedures requires a protocol and the proper equipment necessary for resuscitation based on the level of complexity of the procedure and medications used and to have familiarity with techniques and medications used and their potential complications.
- 8. Respondent deviated from the standard of care because she did not have a resuscitative capabilities and equipment available for KG's in-office surgery and she did not have familiarity with the technique and the risks involved in local anesthetic administration.
  - 9. KG suffered seizures followed by death.

## **CONCLUSIONS OF LAW**

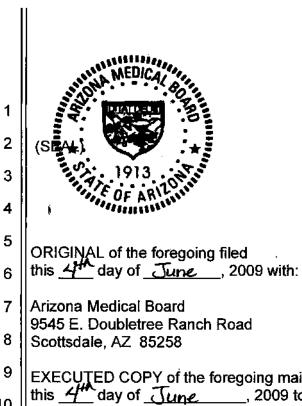
- The Board possesses jurisdiction over the subject matter hereof and over Respondent.
- 2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) ("[a]ny conduct or practice that is or might be harmful or dangerous to the health of the patient or the public.").

### ORDER

#### IT IS HEREBY ORDERED THAT:

- 1. Respondent is issued a Letter of Reprimand.
- 2. This Order is the final disposition of case number MD-08-0927A.

DATED AND EFFECTIVE this 4th day of June, 2009.



ARIZ	.ONA	MEDI	CALE	SUAR	U
By_	isa S.	Wyni ive Di	da n irector	B	chy
					•
iled o:					

Gordon Lewis Jones Skelton & Hochuli PLC 2901 N. Central Avenue, Suite 800 Phoenix, Arizona 85012-2728

EXECUTED COPY of the foregoing mailed this 4th day of June, 2009 to:

Alison K. Cooper, M.D. Address of Record

Investigational Review